

GENERAL RULES FOR TRIAL OF CASES
BEFORE JUDGE JOE HEATON

PLEASE READ CAREFULLY PRIOR TO TRIAL

Please be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, arrange in advance for the handling of such matters by you or have an associate handle them for you.

1. Exhibits must be prepared as set out in LCvR39.4. Court time may not be used for marking exhibits. In addition, exhibits are to be placed in three-ring binders separated by tabs. The parties shall provide the original and one copy of the exhibit notebooks to the Court on the first day of trial, unless ordered to do so earlier by the Court.
2. Witness and Exhibit lists must be submitted as required by LCvR43.1.
3. Please stand when you address the Court. This includes the making of objections. (Counsel with physical disabilities are excused from this requirement.)
4. Stand a respectful distance from the jury at all times. Statements and arguments to the jury will be made from the lectern.
5. In your opening statement to the jury, do not argue the case and do not discuss law. Confine yourself to a concise summary of the facts to follow. Do not describe in detail what individual witnesses will say. Unless the case is unusually complex, each party will be limited to 10 minutes.
6. Please stand when you question witnesses. (Counsel with physical disabilities are excused from this requirement.) Do not pace about the courtroom when questioning witnesses, but remain at the lectern unless given permission to approach the witness, diagram, bench, or the like.
7. If you intend to question a witness about a group of documents, avoid delay by having all the documents with you when you start the examination.
8. Except for children, address witnesses by their surnames, for example, Mr. A, Sergeant B, or Doctor C.
10. Do not greet or introduce yourself to adverse witnesses. Commence your cross-examination without preliminaries.

11. When you object in the presence of the jury, make your objection short and to the point. Do not argue the objection in the presence of the jury, and do not argue with the ruling of the Court in the presence of the jury. Do not make motions in the presence of the jury. Such matters may be raised at the first recess without waiving any rights by such delayed motion.
12. Do not face or otherwise appear to address yourself to jurors when questioning a witness.
13. Never assert your personal opinion as to the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused, nor as counsel assert personal knowledge of a fact in issue, nor assert a fact not in evidence.
14. Do not react to a statement by another counsel or a witness being examined by another counsel by any gesture or facial expression signifying agreement, disagreement, approval or disapproval. Advise your clients they are subject to this same limitation.
15. Do not bring food or beverages into the courtroom. Water is provided.
16. When another counsel has the floor, do not distract the Court or jury by audibly conversing with your client or co-counsel, ostentatiously passing notes, rummaging through papers, or other conspicuous conduct.
17. Do not leave the courtroom while trial is in progress without obtaining leave of Court.
18. Where more than one attorney represents a party, only the attorney handling the particular witness may respond to an objection or raise an objection in regard to his testimony.
19. Presentation of exhibits to the jury should ordinarily be by use of the overhead projector or other, similar means of presentation. The Court does not ordinarily permit exhibits to be passed to the jury, but may permit it if the exhibit is particularly significant and other means of presentation are impractical.
20. Do not publish an exhibit to the jury, with visual presentation equipment or otherwise, before the exhibit has been admitted into evidence.

21. If you intend to use any special evidence presentation equipment not already present in the courtroom, you should make the appropriate arrangements prior to the date of the trial and advise the courtroom deputy. The “Attorney’s Manual for Courtroom Technology,” located under “Rules and Procedures” on the Court’s website, includes information as to the presentation equipment already available.
22. If you have any reason to anticipate that any question of law or evidence is particularly difficult, give the Court as much advance notice as possible.
23. The judiciary’s privacy policy restricts the publication of certain personal data in documents filed with the Court. The policy requires limiting Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. [For criminal cases, also limit home addresses to city and state.] However, if such information is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed at the courthouse unless, and until, it is redacted. The better practice is for you to avoid introducing this information into the record in the first place. Please take this into account when questioning witnesses or making other statements in court. If a restricted item is mentioned in Court, you may ask to have it stricken from the record or partially redacted to conform to the privacy policy, or the court may do so on its own motion.
24. Samples of basic civil and criminal jury instructions ordinarily used by Judge Heaton are available on the court’s website. Parties submitting requested jury instructions need not submit instructions covering the subject matter of these basic instructions unless different or additional language is sought.

Thank you for your cooperation.

JOE HEATON
UNITED STATES DISTRICT JUDGE